

EXHIBIT 1

Bill Rives

February 12, 2016

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ALBERT PATINO, et al., §
 §
Plaintiffs, §
 §
v. § Civil Action No. 4:14-cv-03241
 §
CITY OF PASADENA, et al., §
 §
Defendants. §

ORAL DEPOSITION OF

BILL RIVES

February 12, 2016

ORAL DEPOSITION OF BILL RIVES, produced as a witness at the instance of the Plaintiffs and duly sworn, was taken in the above-styled and numbered cause on February 12, 2016, from 9:11 a.m. to 12:17 p.m., before Amanda Plano, CSR in and for the State of Texas, reported by machine shorthand, at Mexican American Legal Defense and Education Fund, 110 Broadway, Suite 300, San Antonio, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

1 matched to the 1990 Census Master Spanish Surname List?

2 A. Right.

3 Q. Okay.

4 A. We used -- we used either first or second or both,
5 and I think that's where David Ely and I differ, because it has
6 to do with -- with hyphenated names. And in some files,
7 they're not many. In other files, there might be a few more.
8 It's never a huge percentage.

9 Q. Mm-hmm.

10 A. Otherwise, we're -- you know, we're just working with
11 a single name and it's either on the list or it's not.

12 Q. When you say first or second, you mean when somebody
13 has two surnames, correct?

14 A. Right.

15 Q. You're not doing any kind of Spanish surname coded
16 based on someone's first name?

17 A. No.

18 Q. Okay. Good. Because Ernest would be in trouble I
19 think if you did that. Sorry. I always make an example of
20 Ernest at some point or another, but he has a good Spanish
21 surname, Herrera. I'm sure it's on every list of Spanish
22 surnames.

23 A. I'm sure it is.

24 Q. Tell me whether you did the coding for Spanish
25 surname of the voters in the 2015 table.

1 A. Sherry McCall actually did the coding under my
2 instructions.

3 Q. Okay.

4 A. We discussed how the -- how the file was to be set up
5 and how the names were to be coated. We ensured that we had
6 the latest version of the list, because the list has changed a
7 little bit from time to time.

8 Q. Mm-hmm.

9 A. And so we always use the Secretary of State's list so
10 that our numbers are strictly comparable with whatever they
11 released.

12 Q. Okay. And when you say Sherry McCall, she works for
13 Mr. Heath here; is that right?

14 A. That's correct.

15 Q. And is it true that the 1990 Census Spanish Surname
16 List has surnames associated with a likelihood that they're
17 Hispanic, or is it simply a list of names about which the
18 census says, these are Hispanic?

19 A. Well, I don't think the Census Bureau has ever come
20 out and said, these are definitely Hispanic. We wanted to --
21 for the '90 Census, we wanted to match the names on the list --
22 which was about seven or eight years old at the time -- we
23 wanted to match the names on the list to the post-enumeration
24 survey, which was done after '90 and again after 2000, so we
25 could go back and check on the quality of responses and so on.

1 And what they had, we had the names and we had
2 whether they had checked Hispanic or not, and we wanted to
3 match that, and the Bureau wouldn't -- wouldn't go along. And
4 they were concerned about -- about the usual privacy and
5 confidentiality. They wanted to make sure that, you know --
6 but from -- from everything that Jeff Passel and Dave Word put
7 together, they said they thought that the list worked
8 reasonable well in Mexican Hispanic populations. But what
9 little work they had done with -- with Cuban Hispanic indicated
10 it wasn't quite as good.

11 But they -- they were -- they were pleased.
12 There was an omission rate and a comission rate where the two
13 forms of misclassification -- they said for what they were able
14 to do with the data they got from the Census Bureau off one of
15 the annual population surveys, they said that nationally, it
16 worked reasonable well in Mexican Hispanics, and that was the
17 last assessment we had.

18 Q. So do you know whether the 1990 Spanish surname list
19 shows Spanish surnames along with a likelihood of their being
20 associated with a Hispanic respondent?

21 A. I've never seen a list that has that. That doesn't
22 mean someone didn't look into it, because David Word was always
23 interested in -- in that relationship.

24	Q. Okay.
----	----------

25 A. He had called a Bayesian -- B-a-y-e-s-i-a-n -- he'd

1 done a Bayesian analysis of this and he was interested, but
2 that was nothing that ever -- it went outside the
3 Census Bureau.

4 Q. Okay. Now, with respect to the 2015 coding of
5 registered voters in Pasadena as Hispanic, again, this was
6 based on a -- an evaluation of the registered voter's name as
7 opposed to anything that the registered voter herself did, like
8 marking off being Hispanic or Spanish surname, correct?

9 A. Right. It's a list of names, and we get an address
10 so we can put it in a -- we can assign an XY coordinate to it.
11 And then, on the basis of that, we can put it in a census
12 block.

13 Q. Okay. And these Spanish surname coded lists, whether
14 from 2011 or 2015, are what you would characterize as hard
15 counts, correct?

16 A. Yes, these are -- these are based on -- there are no
17 estimates in here in terms of, you know, are you registered or
18 are you not. It's just a list of registrants.

19 Q. Okay. So the voter never did anything in Pasadena to
20 assist in the creation of these lists, January 2012 or 2015,
21 to --

22 A. It would have been nice.

23 Q. The information was brought up and analyzed?

24 A. We could have -- we could have asked the -- we could
25 have asked for the Hispanic box there. If you have time, just

1 mark this. But, you know -- and so it's one of those un- --
2 unresolved. But it seems to have worked well. But now that
3 we're actually seeing the Hispanic -- as I mentioned a minute
4 ago, we're actually seeing the Hispanic CVAP records more
5 completely, we were probably underestimating by quite a bit.
6 You know, our assumption that one was a good -- good substitute
7 for the other probably wasn't as good. But, you know, when you
8 don't have the records, you're not sure.

9 Q. Okay. Let me see. Let me find my spot. I got too
10 far away from my outline, and now I need to found my way back.

11 Did you do the geocoding for the March 2015
12 table here in your Exhibit 9?

13 A. No, I don't have the software. The -- the software
14 setup is fairly expensive, and so, Sherry has access to all of
15 that, plus the -- plus the records. And so we've decided to
16 house everything in one place, and then, I work with her and
17 she does the geocoding under -- under my instructions.

18 Q. Okay. And do you know whether Ms. McCall assigned
19 these voters based on geocoding to a census block or a VTD?

20 A. We would have assigned it to a block. We wouldn't
21 have used the VTDs there.

22 Q. Okay.

23 A. But you can get the VTDs if you want to use them for
24 any reason. They're sometimes poor substitutes for precincts.
25 Precincts are based on blocks. But we assign them to blocks

1 because that gives us flexibility to -- to -- to build just
2 about any geographic, even if it's based on blocks.

3 Q. Okay. In your report here in Pasadena, you didn't
4 create a projection of Hispanic citizen voting age population
5 that is a number over 50 percent, correct?

6 A. No, the only -- the only projections I did were --
7 were projections for the -- for the county as a whole, because
8 we had -- I wanted the coworking in the procedure. And we had
9 to step back to the county. And then, we took advantage of the
10 Houston-Galveston area counsel, which does the -- the local
11 area work, and it's really quite good for ho- -- for household
12 population, employment, and then the number of jobs. And I --
13 I got those data for the City of Pasadena and I've shown it
14 here.

15 Now, there is no Hispanic information there, but
16 it does show population growing. However, it's slowing a
17 little bit. So over the last couple of years, everything we've
18 looked at shows a little bit of leveling off, maybe some
19 sampling error in the case of ACS data, but it is so close to
20 50 percent. It's just very difficult to believe -- and you
21 know, I don't need to go out to 2020 or 2025.

22 I'm -- in doing this, I'm thinking about the 50
23 percent threshold. If it's not there today, several years
24 after our most recent data, it will be there next year. I
25 mean, that's just the way that these trends work.

Bill Rives

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1	CHANGES AND SIGNATURE		
2	WITNESS NAME: BILL RIVES		February 12, 2016
3	PAGE/LINE	CHANGE	REASON
4	11 / 14	"Vote" should be "growth"	Grammar correction
5	20 / 3	Both uses of "it" should be "I"	Grammar correction
6	21 / 2	First "that" should be "than"	Grammar correction
7	29 / 4	"stead" should be "steady"	Spelling correction
8	30 / 3	"Underline" should be "underlying"	Grammar correction
9	31 / 23	"moment in the end" should be "momentum"	Grammar correction
10	46 / 3	"fix plan" should be "fixed plant"	Grammar correction
11	53 / 16	"with" should be "within"	Spelling correction
12	64 / 3	"2013" should be "2015"	Date correction
13	65 / 10	Insert "it at" between "developed" and "the"	Grammar correction
14	67 / 5	"coated" should be "coded"	Grammar correction
15	76 / 20	"2010" should be "2015"	Date correction
16	91 / 21	"Server" should be "Sample"	Grammar correction
17	96 / 21	"channel" should be "challenge"	Grammar correction
18			
19			
20			
21			
22			
23			
24			
25			

Bill Rives

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1 I, BILL RIVES, have read the foregoing deposition and
2 hereby affix my signature that same is true and correct, except
3 as noted above.

4 
AKA Bill Rives

BILL RIVES

Norfleet W. (Bill) Rives

9 THE STATE OF TEXAS)

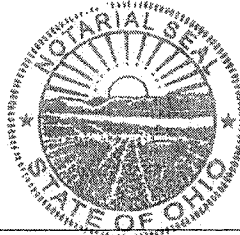
10 COUNTY OF _____)

11
12 Before me, _____, on this day personally
13 appeared BILL RIVES, known to me [or proved to me on the oath
14 of _____ or through _____ (description of
15 identity card or other document)] to be the person whose name
16 is subscribed to the foregoing instrument and acknowledged to
17 me that he executed the same for the purposes and consideration
18 therein expressed.

19 (Seal) Given under my hand and seal of office this _____
20 day of _____, 2016.

21 STATE OF OHIO
22 COUNTY OF FRANKLIN

Sworn to (or affirmed) and subscribed before me
this 29th day of March, 2016, by Bill Rives



Diana M. Magee
Notary Public, State of Ohio
My Commission Expires 03-30-2020

23 Diana M. Magee DIANA M. MAGEE Notary Public in and for
24 Notary Public's Signature Notary Name the State of Texas
Personally Known OR
25 Type of Identification Produced License

Bill Rives

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ALBERT PATINO, et al., §
 §
Plaintiffs, §
 §
v. § Civil Action No. 4:14-cv-03241
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CITY OF PASADENA, et al., §
 §
Defendants. §

REPORTER'S CERTIFICATION

DEPOSITION OF BILL RIVES

February 12, 2016

I, AMANDA PLANO, Certified Shorthand Reporter in and for
the State of Texas, hereby certify to the following:

That the witness, BILL RIVES, was duly sworn by the
officer and that the transcript of the oral deposition is a
true record of the testimony given by the witness;

I further certify that pursuant to FRCP Rule 30(f)(1),
that the signature of the Deponent was requested by the
Deponent or a party before the completion of the deposition and
is to be returned within 30 days from date of receipt of the
transcript.

If returned, the attached Changes and Signature Page
contains any changes and the reason therefore;

That the amount of time used by each party at the
deposition is as follows:

Bill Rives

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1 Ms. Nina Perales - 2:47
2 Mr. C. Robert Heath - 0:00

3 I further certify that I am neither counsel for, related
4 to, nor employed by any of the parties or attorneys in the
5 action in which this proceeding was taken, and further that I
6 am not financially or otherwise interested in the outcome of
7 the action.

8 Certified to by me this 1st day of March, 2016.
9

10
11 
12

13 AMANDA PLANO, CSR, RPR
14 Texas CSR 8713
15 Expiration Date: 12/31/16
16 Kim Tindall & Associates, LLC
17 Firm Registration No. 631
18 16414 San Pedro, Suite 900
19 San Antonio, Texas 78232
20 Telephone: (866) 672-7880
21
22
23
24
25

EXHIBIT 2

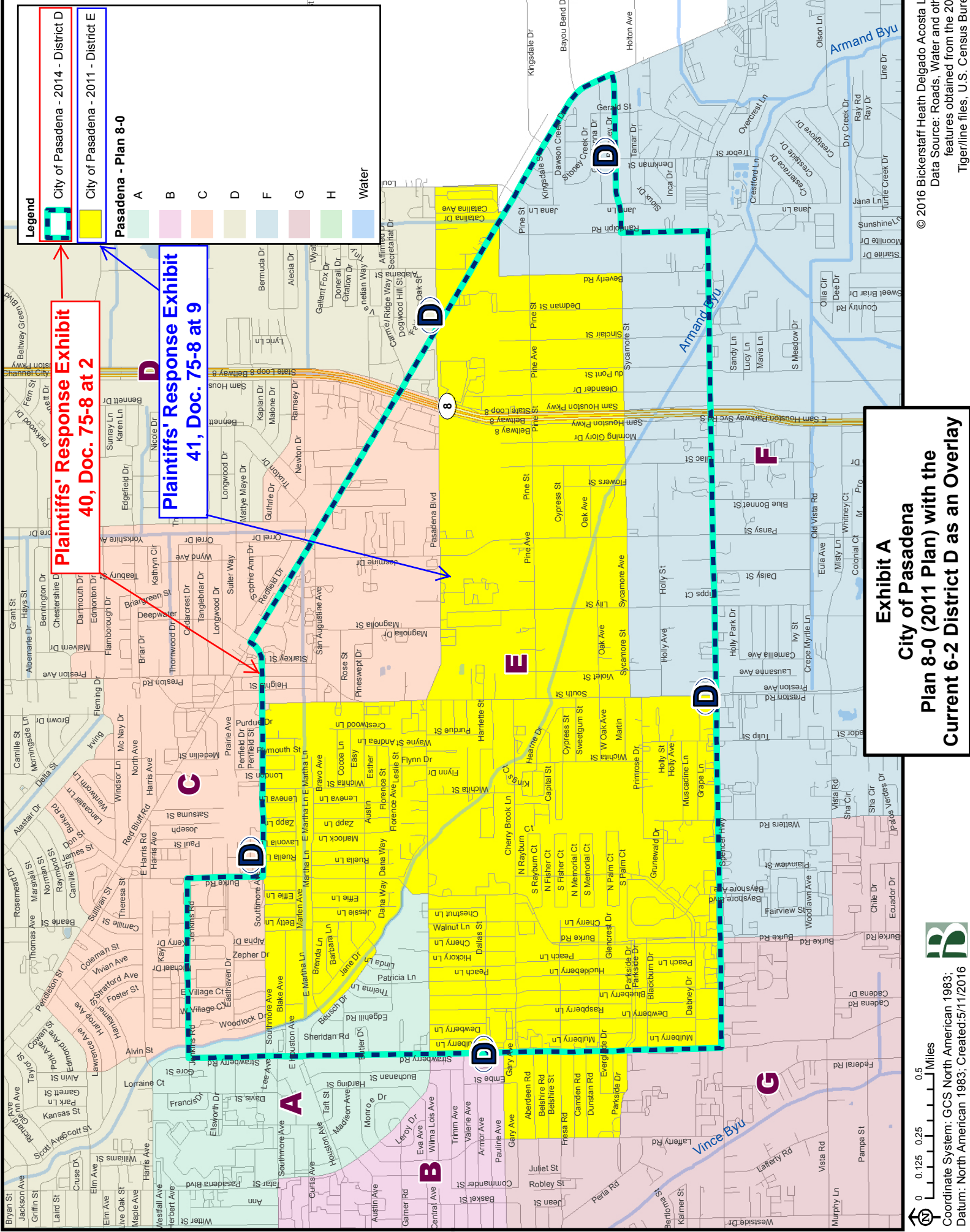


Exhibit B
City of Pasadena

Comparison of Population in 2014 District D and 2011 District E

	2014 District D	2011 District E
Total Population	24,800	19,001
2014 District D Population that was in 2011 District E	17,556	↑ Ely Report, App. 35*
Percentage of 2011 District E that remains in 2014 District D	92.40%	
Percentage of 2014 District D that was in 2011 District E	70.79%	

Demographic Comparisons Between 2014 District D and 2011 District E

	2014 District D	2011 District E
Total Voting Age Population	17,068	13,188
Hispanic Voting Age Population	10,083	7,544
Percent Hispanic Voting Age Population	59.08%	57.20%
Total Citizen Voting Age Population	12,990	10,010
Hispanic Citizen Voting Age Population	5,889	4,595
Percent Hispanic Citizen Voting Age Population	45.33%	45.90%
Total Registered Voters	8,309	6,734
Total Spanish Surname Registered Voters	3,534	2,765
Percent Spanish Surname Registered Voters	42.53%	41.06%

Data Sources: Total and Hispanic population obtained from the 2010 Census;

Total voters and Spanish Surname voters geocoded from the March 2015

voter list obtained from the Harris County Voter Registration office.

Citizen Voting Age Population is derived from the 2009-2013 5-Year American Community Survey data.

*Small nosubstantive difference as explained in text and Ely Deposition

EXHIBIT 3

David Ely

February 11, 2016

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ALBERTO PATINO, ET AL §
 §
VS. § Civil Action No.
 § 4:14-CV-03241-LHR
CITY OF PASADENA §

ORAL DEPOSITION OF
DAVID ELY
FEBRUARY 11, 2016

APPEARANCES:

FOR THE DEFENDANTS:

BY: MR. C. ROBERT HEATH
MR. GUNNAR P. SEAQUIST
BICKERSTAFF HEATH DELGADO ACOSTA, LLP
3711 S. MoPac Expressway Building One,
Suite 300
Austin, Texas 78746

FOR THE PLAINTIFF:

BY: MS. NINA PERALES
MR. ERNEST HERRERA
MEXICAN AMERICAN LEGAL DEFENSE AND
EDUCATION FUND
110 Broadway, Suite 300
San Antonio, Texas 78205

DAVID ELY,
The Witness; and

ROXANNE BARRY,
Certified Shorthand Reporter in
and for the State of Texas

* * * * *

David Ely

February 11, 2016
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1 DAVID ELY,
2 having been first duly sworn, testified as follows:

3 EXAMINATION

4 Q. (BY MR. HEATH) Would you state your name for
5 the record, please?

6 A. It's David Ely, E-L-Y, is the last name.

7 Q. And where do you reside, Mr. Ely?

8 A. San Gabriel, California.

9 Q. You have been deposed before, have you not?

10 A. Yes.

11 Q. In fact, you and I have been in depositions
12 several times before; is that correct?

13 A. That's correct.

14 Q. Is there any reason that you are not able to be
15 deposed today, that you have any infirmity or concern
16 that would keep you from understanding the questions and
17 responding to them?

18 A. No.

19 Q. Okay. And I'm not going to go over the drill
20 with you about listening to the question and then
21 waiting for me to finish because you've done it many
22 times, have you not?

23 A. Yes.

24 Q. We're going to be talking primarily about your
25 report in this case, which I have asked the Court

1 did you use for your analysis?

2 A. I used files that were sent. I requested the
3 voter lists for the specific elections. And I believe
4 that that's what we got from -- from Harris County. I'm
5 not sure exactly the methodology that they used to
6 prepare that, but that's what -- that's what was
7 requested.

8 Q. Okay. One thing I noticed is that if you look
9 at Exhibit 2 in the Reeves report, which is this one,
10 it's right after the initial map, the next -- next page.
11 And then exhibit or Table 7 in your report, the raw
12 numbers are slightly different.

13 A. Yes.

14 Q. Where did you get your population numbers for
15 the City of Pasadena? Was it from the census place
16 file?

17 A. No. The -- the numbers that I would have for
18 the City which would just be the aggregate of the block
19 level data that I have, which should be exactly the same
20 for the -- for the population and for the VAP, but not
21 necessarily for the citizen voter age population. I'm
22 not positive, actually, on this table whether that's the
23 aggregate. I have another table that shows both the
24 aggregate data from my block level and -- and what was
25 reported at the place level in the -- in the special

1 tabulation, but they're virtually the same.

2 Q. The -- And this is from the 2010 -- yours is
3 from the 2010 census, correct?

4 A. Yeah, the population voting age population is.
5 The citizen voting age is from the 2013 five-year ACS.

6 Q. And which 2010 census file?

7 A. The redistricting data file, PL94171.

8 Q. Did you check the city boundaries to see if
9 there's any difference between the city limits
10 boundaries and those used by the census bureau?

11 A. No, I just -- I used the census bureau's
12 definition of the city.

13 Q. Okay. In your experience, are there sometimes
14 very minor differences between --

15 A. Yes.

16 Q. And whatever those differences are, does it
17 make any substantive difference here?

18 A. No.

19 Q. I notice on Table 6 of your report you show a
20 CVAP number for the special tab and a different number
21 for the calculated number for the same five-year period.
22 What's the difference between those?

23 A. Well, that's what I was just referring to. The
24 -- the number from the special tab is what was reported
25 directly for the City of Pasadena in -- in that special

1 tabulation of place level. The calculated one is the --
2 I was aggregating from the -- from the block level data,
3 which was a disaggregation from the block group level
4 data. So there's a -- there's a slight difference
5 between the block group level and the city level because
6 of rounding and then the allocation would have changed
7 it a little bit more because some of the block groups
8 are not wholly within the city.

9 Q. Okay. And just -- I'm just trying to
10 understand because we've talked about this sort of thing
11 before, haven't we?

12 A. Yes.

13 Q. All right. And just to make sure we're on the
14 same page; is this where you have a program that you
15 have devised to do this, which uses, for example, where
16 you will take the non-Hispanic Black number and the
17 non-Hispanic Asian number and the non-Hispanic White
18 number and so forth and combine those with all the other
19 categories that ACS has to determine a non-Hispanic
20 total?

21 A. That's correct.

22 Q. And that may be different than what the ACS
23 reports as their non-Hispanic number, their aggregated
24 number, where they've already aggregated them, correct?

25 A. That's correct.

1 Q. Okay. And that's partly because of rounding?

2 A. Because of rounding, yes.

3 Q. Okay. In this table you report the margin of
4 error results. Did you calculate those or did you get
5 them from an ACS table or publication?

6 A. I believe that the ones that are in the -- the
7 three-year analysis and the special tab, those are the
8 margin of errors that are reported in the data. The --
9 the one for the calculated is one that I -- I calculated
10 from the block group report of margins of error
11 dis-aggregating -- dis-aggregating and re-aggregating,
12 you know, using sum of squares estimate, square root of
13 sum of squares.

14 Q. And basically how do you do that?

15 A. The margin of error is -- it's related to the
16 standard error. Let me see if can remember this off the
17 top of my head. And it is the square of the variants
18 and variance is additive in some ways. The square is
19 not additive and, you know, the square of -- square of a
20 sum of numbers is not the same as the sum of the
21 squares. But the square root of -- a number is the same
22 as the square root of the sum of squares of that number.
23 Anyway, you can -- to -- to dis-aggregate
24 and re-aggregate the margin of error, if you use the
25 square root -- no, not the square root -- use the square

1 and add it and then take the square root of the sum,
2 that -- that gives you an estimate for the -- for the
3 margin of error for the -- for the aggregated area.

4 Q. Is that the formula published by the ACS in
5 their guidance documents?

6 A. Yes.

7 Q. Now, if Dr. Reeves uses the non-Hispanic CVAP
8 --

9 MR. HEATH: And CVAP is an acronym,
10 C-V-A-P, all caps. And we'll probably say that a lot.

11 Q. (BY MR. HEATH) -- number from the ACS and if
12 you use a calculated number, does it really make any
13 difference?

14 A. No. I mean, there's -- there's some slight
15 differences in the raw numbers, but -- but the
16 percentages are all virtually identical between his
17 method and mine.

18 Q. All right. While we're on Table 6, and looking
19 at your three-year ACS data from the 2008 to 2010 and
20 then '11 to '13, you show the Hispanic's share of CVAP
21 for the City of Pasadena increased by six percentage
22 points from one period to another.

23 A. Yes.

24 Q. Okay. And while we can't tie the three-year
25 sample to a specific date, is it fair to say that that's

David Ely

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ALBERTO PATINO, ET AL §
 §
VS. § Civil Action No.
 § 4:14-CV-03241-LHR
CITY OF PASADENA §

CERTIFICATE FROM THE
ORAL DEPOSITION OF DAVID ELY
FEBRUARY 11, 2016

I, ROXANNE BARRY, a Certified Shorthand Reporter in
and for the State of Texas, do hereby certify that
the foregoing deposition is a full, true and
correct transcript;
That the foregoing deposition of DAVID ELY, the
Witness hereinbefore named, was at the time named,
taken by me in stenograph, on February 11, 2016,
the said Witness having been by me first duly
cautioned and sworn to tell the truth, the whole
truth, and nothing but the truth, and the same were
thereafter reduced to typewriting by me or under my
direction. The charge for the completed deposition
is \$_____ due from MR. C. ROBERT HEATH
(Defendants);

David Ely

February 11, 2016
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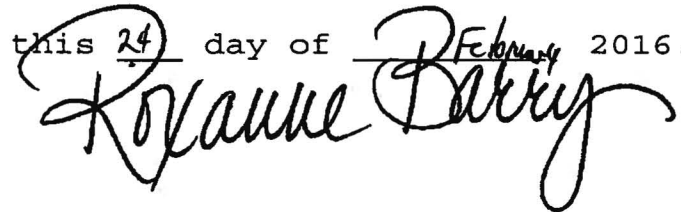
1 That the amount of time used by each party at the
2 deposition is as follows:

3 MR. C. ROBERT HEATH- 1HR:26MINS
4 MS. NINA PERALES- 1 MINUTE

5 I further certify that before the completion of the
6 deposition, the Deponent and/or the
7 Plaintiff/Defendant () did () did not request to
8 review the transcript.

9 That this deposition transcript was sent to the Witness
10 on 4-12-16 for review and signature,
11 and that pursuant to the Federal Rules of Civil
12 Procedure, review and signature of the Witness must be
13 completed within 30 days of the Witnesses' receipt
14 thereof;

15 Certified to by me this 24 day of February 2016.



16 ROXANNE BARRY, Texas CSR 5831
17 Expiration Date: 12/31/17
18 Kim Tindall & Associates, LLC
19 Firm Reg. No. 631
20 16414 San Pedro, Suite 900
21 San Antonio, Texas 78232
22
23
24
25